
By: **Chairman, Education, Health, and Environmental Affairs Committee**
(By Request - Departmental - Health and Mental Hygiene)

Introduced and read first time: January 31, 2003

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Maryland Optometry Act - Replacement Contact Lenses - Clarifications and**
3 **Modifications**

4 FOR the purpose of modifying certain prohibitions against selling contact lenses
5 without a valid and unexpired replacement contact lens prescription; clarifying
6 certain terms; and generally relating to the Maryland Optometry Act.

7 BY repealing and reenacting, with amendments,
8 Article - Health Occupations
9 Section 11-101, 11-404.4, and 11-504
10 Annotated Code of Maryland
11 (2000 Replacement Volume and 2002 Supplement)

12 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
13 MARYLAND, That the Laws of Maryland read as follows:

14 **Article - Health Occupations**

15 11-101.

16 (a) In this title the following words have the meanings indicated.

17 (b) "Board" means the State Board of Examiners in Optometry.

18 (c) "Diagnostically certified optometrist" means a licensed optometrist who is
19 certified by the Board to administer topical ocular diagnostic pharmaceutical agents
20 to the extent permitted under § 11-404 of this title.

21 (d) "License" means, unless the context requires otherwise, a license issued by
22 the Board to practice optometry.

23 (e) "Licensed optometrist" means, unless the context requires otherwise, an
24 optometrist who is licensed by the Board to practice optometry.

25 (f) "Optometrist" means an individual who practices optometry.

1 (g) (1) "Practice optometry" means:

2 (i) Subject to §§ 11-404 and 11-404.2 of this title, to use any means
3 known in the science of optics or eye care, except surgery:

4 1. To detect, diagnose, and subject to §§ 11-404 and 11-404.2
5 of this title, treat, subject to this title, any optical or diseased condition in the human
6 eye; or

7 2. To prescribe eyeglasses or CONTACT lenses to correct any
8 optical or visual condition in the human eye;

9 (ii) To give advice or direction on the fitness or adaptation of
10 eyeglasses or CONTACT lenses to any individual for the correction or relief of a
11 condition for which eyeglasses or CONTACT lenses are worn; or

12 (iii) To use or permit the use of any instrument, test card, test type,
13 test eyeglasses, test lenses, or other device to aid in choosing eyeglasses or CONTACT
14 lenses for an individual to wear.

15 (2) Subject to §§ 11-404 and 11-404.2 of this title, "practice optometry"
16 includes:

17 (i) The administration of topical ocular diagnostic pharmaceutical
18 agents;

19 (ii) The administration and prescription of therapeutic
20 pharmaceutical agents; and

21 (iii) The removal of superficial foreign bodies from the cornea and
22 conjunctiva.

23 (h) "Therapeutically certified optometrist" means a licensed optometrist who
24 is certified by the Board to practice optometry to the extent permitted under §
25 11-404.2 of this title.

26 11-404.4.

27 (a) (1) In this section the following words have the meanings indicated.

28 (2) "Replacement contact lens prescription" means a prescription
29 prepared by a licensed optometrist containing the information specified in this section
30 and written expressly for the purpose of providing lenses which have already been
31 properly fitted.

32 (3) "Immediate follow-up care" is that period of contact lens fitting time
33 required to reach a contact lens prescription that is appropriate to the documented
34 clinical needs of the patient.

35 (b) A licensed optometrist shall ensure that each replacement contact lens
36 prescription that the licensed optometrist prescribes for contact lenses:

1 (1) Contains all the information necessary for the replacement contact
2 lens prescription to be properly dispensed, including but not limited to the:

3 (i) Lens manufacturer;

4 (ii) Type of lens;

5 (iii) Power of the lens, INCLUDING PLANO OR ZERO-POWERED
6 CONTACT LENSES;

7 (iv) Base curve;

8 (v) Lens size;

9 (vi) Name of the patient;

10 (vii) Date the prescription was given to the patient;

11 (viii) Name and office location of the licensed optometrist who
12 writes the replacement contact lens prescription; and

13 (ix) Expiration date of the replacement contact lens prescription;
14 and

15 (2) Is reduced to writing and placed in the patient's permanent file.

16 (c) (1) (i) After a licensed optometrist releases the patient from
17 immediate follow-up care, the patient may request the replacement contact lens
18 prescription from the licensed optometrist.

19 (ii) If, after examination, the patient's prescription has not changed
20 since the last examination, a licensed optometrist shall comply with the provisions of
21 paragraph (2) of this subsection without requiring the patient to purchase contact
22 lenses or to undergo immediate follow-up care.

23 (2) (i) Upon the request of a patient of a licensed optometrist, and
24 without cost to the patient, the licensed optometrist shall provide the patient's
25 replacement contact lens prescription to the patient or the patient's designee.

26 (ii) In responding to a request under paragraph (1)(i) of this
27 subsection, a licensed optometrist shall transmit the contact lens prescription by
28 mail, telephone, facsimile, e-mail, or any other means of communication that will,
29 under normal circumstances, result in the designee receiving the information within
30 7 business days after the patient's request.

31 (iii) The replacement contact lens prescription that the licensed
32 optometrist provides the patient under subparagraph (i) of this paragraph:

33 1. Shall contain the information necessary for the proper
34 duplication of the current prescription of the patient;

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 October 1, 2003.